IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

**OP.No. 1452 of 2000(W)**

PETITIONER:

C.P.POCKER,
NEW PUTHALATH HOUSE,
P.O.KUTHUPARAMB,
KANNUR DISTRICT.

BY ADV. SRI.T.A.RAMADASAN
SRI.K.PRAVEEN KUMAR

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY THE SECRETARY,
FOREST & WILD LIFE DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, TRIVANDRUM.

3. THE DIRECTOR OF FACTORIES AND BOILERS,
TRIVANDRUM.

4. THE CHIEF CONSERVATOR OF FOREST (PROTECTION),
FOREST HEAD QUARTERS, TRIVANDRUM.

5. THE INSPECTOR OF FACTORIES AND BOILERS,
GROUP II, THALASSERY.

6. THE MATTANNUR MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MATTANNUR.

7. THE DIVISIONAL FOREST OFFICER, KANNUR.

BY SPECIAL GOVERNMENT PLEADER SRI.M.P.PRAKASH

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/10/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## APPENDIX

**PETITIONER'S EXHIBITS**:

| | |
|---|---|
| EXT.P1 | TRUE COPY OF THE PARTNERSHIP DEED. |
| EXT.P2 | TRUE COPY OF THE REGISTERED CERTIFICATE OF THE INDUSTRIAL UNIT. |
| EXT.P3 | TRUE COPY OF THE NOTICE DATED 28.12.98 ISSUED BY THE FOREST RANGE OFFICER TO THE PETITIONER. |
| EXT.P4 | TRUE COPY OF THE JUDGMENT DATED 17.3.98 PASSED BY THIS COURT IN O.P.NO.6696/96. |
| EXT.P5 | TRUE COPY OF THE ORDER IN CMP.NO.503/99 IN O.P.NO.328/99 DATED 6.1.1999. |
| EXT.P5(A) | TRUE COPY OF THE CIRCULAR DATED 26.9.98 ISSUED BY THE JOINT DIRECTOR OF FACTORIES AND BOILDERS, KOZHIKODE. |
| EXT.P6 | TRUE COPY OF THE GOVERNMENT ORDER G.O.(P) NO.44/92 FOREST DATED 11.11.92. |
| EXT.P7 | TRUE COPY OF THE GOVERNMENT ORDER G.O.(P) NO.53/98/ FOREST DATED 11.11.1992. |
| EXT.P8 | TRUE COPY OF THE JUDGMENT DATED 9.2.1999 IN O.P.NO.669/99 OF THIS COURT. |

**RESPONDENTS' EXHIBITS**: NIL

///TRUE COPY///

AHZ/

**H.L.DATTU, C.J. & K.T.SANKARAN,J.**

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**O.P. NO. 1452 OF 2000 W**

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**Dated this the 3rd October, 2007**

**JUDGMENT**

**H.L.DATTU, C.J**.

Petitioner is one of the partners of M/s.YEMPEEYEM SAW MILLS. The partnership firm is doing business of sawing timbers. Petitioner firm had filed an application for renewal of its licence to run the said industry. Since the request for renewal of licence had not been considered by respondents 5 and 6 within a reasonable time, petitioner is before this Court seeking appropriate directions to respondents 5 and 6.

2. In our opinion, if we direct respondents 5 and 6 to consider the application filed by the petitioner for renewal of the saw mill licence in accordance with law and in accordance with the observations made by the Apex Court in **T.N.Godavarman Thirumulpad** v. **Union of India and others** (2002(9) SCALE 81) and the subsequent orders issued by the State Government from time to time, no prejudice would be caused to the State Government.

3. In view of the above, without going into the other details of the case, the Original Petition is disposed of as under:

i) The Original Petition is disposed of.

ii) A direction is issued to respondents 5 and 6 to consider the application filed by the petitioner for renewal of the saw mill licence in accordance with law and in accordance with the observations made by the Apex Court in *Godavarman's case* and the subsequent decisions and also in accordance with the orders passed by the State Government from time to time in this regard.

iii) In view of the order passed in the Original Petition, the relief sought for in C.M.P.No.2252 of 2000 need not be considered by this Court. Accordingly, the said C.M.P is also rejected.

Ordered accordingly.

**(H.L.DATTU)**
**Chief Justice**

**(K.T.SANKARAN)**
**Judge**

ahz/

**H.L.DATTU, C.J. &**
**K.T.SANKARAN, J.**

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**O.P.NO. 1452 OF 2000 W**

**JUDGMENT**

3rd October, 2007

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